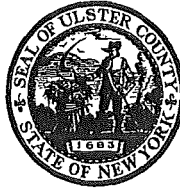


ULSTER COUNTY LEGISLATURE

TERRY L. BERNARDO
Chair 845-340-3699

KENNETH J. RONK
Majority Leader 845-340-3900

DAVID B. DONALDSON
Minority Leader 845-340-3900



P.O. Box 1800
KINGSTON, NEW YORK 12402
Telephone: 845 340-3900
FAX: 845 340-3651

VICTORIA A. FABELLA
Clerk 845-340-3666

LANGDON C. CHAPMAN
Counsel 845-340-3900

CHRISTOPHER RAGUCCI
Minority Counsel 845-340-3900

ABSTRACT OF PROPOSED LOCAL LAW NO. 11 OF 2012 OF THE COUNTY OF ULSTER, A LOCAL LAW AMENDING THE ULSTER COUNTY CHARTER, LOCAL LAW NO. 2 OF 2006, TO MODIFY VARIOUS PROVISIONS OF THE ULSTER COUNTY CHARTER

The following represents a brief abstract of the above referenced charter law which is the subject of a proposition to be voted upon by the electorate of Ulster County on November 6, 2012. Proposed Local Law No. 11 of 2012, in summary:

- 1) Provides for an independent redistricting of County Legislative Districts by the
Ulster County Commission on Reapportionment subject to a permissive referendum;
- 2) Clarifies and/or modifies the powers and duties of the Ulster County Legislature regarding:
 - a) labor contracts;
 - b) subpoena powers;
 - c) appropriation of funds for an independent auditor; and
 - d) the creation of an auditing committee to select an independent auditor;
- 3) Clarifies and modifies the appointment powers of the County Executive and the procedure for confirmation by the County Legislature;
- 4) Provides for the appointment of the Clerk to the Legislature, commencing in January 2014, by the County Legislature instead of the Chairman of the County Legislature;
- 5) Provides for special counsel to advise the Legislature where it deems necessary;

- 6) Provides for the appointment of a person to act, in the interim, until the next general or special election, as the Acting County Executive in the event of death, resignation or some other disability that prevents the County Executive from serving;
- 7) Provides for the County Commissioner of Finance to be the chief accounting officer of the County and for the County Comptroller to be the chief auditing officer of the County;
- 8) Clarifies the subpoena powers of the County Comptroller;
- 9) Provides for the appointment of a person to act, in the interim, until the next general election, as Acting County Comptroller in the event of a vacancy, other than expiration of a term, in that office; and
- 10) Provides for terms of office for members of the Ulster County Board of Ethics.

Dated: September 5, 2012



Victoria A. Fabella

Clerk of the Ulster County Legislature

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BE IT ENACTED, by the County Legislature of the County of Ulster, New York, as follows:

SECTION 1. Section C-10 of the Ulster County Charter is REPEALED and a new Section C-10 is added to the Ulster County Charter to read as follows:

§ C-10. Commission on Reapportionment (Redistricting).

- A. A Commission on Reapportionment shall be established pursuant to this section. It shall meet as soon as practicable after the availability of data from each decennial census to evaluate existing legislative districts pursuant to the process established herein and reapportion them as necessary to meet established standards in state and federal law for equal and fair representation of all people in Ulster County, keeping districts compact and contiguous while taking also into account existing town, city, village and election district boundaries, defining geographic features, and equal population within applicable law, but giving no consideration to providing advantage to one or another political party. This Commission shall consist of seven (7) members who are County residents, are eligible to register to vote and are not currently, nor have been for the three (3) years preceding the formation of the Commission, public officers, employees of New York State, Ulster County or any Town, City or Village in that County, or members or officers of any political committee. For the purposes of this statute, public officers shall not include notaries public.
- B. To establish a pool from which Commission members will be appointed, the County Executive shall, no later than June 1st of each year ending in "0", commence the process for widely soliciting interest in serving on the Commission through such means as direct mail and e-mail, contact with civic groups, public service announcements on radio and television and in daily and weekly newspapers, paid advertisement and announcement on the County website. The pool of candidates qualified to serve as members of the Commission shall be submitted to the County Legislature no later than September 1st of each year ending in "0".
- C. Initial appointments to the Commission on Reapportionment from the pool of interested parties gathered in this manner shall represent various geographic areas of the County and shall be made no later than October 1st of each year

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ending in "0", with two (2) members appointed by the Legislature's majority leader and two (2) members by the Legislature's minority leader.

- D. 1) The four (4) appointed Commissioners shall select the additional three (3) Commission members from the pool previously established no later than October 15th of each year ending in "0". In the event that all of the three (3) additional Commission members are not appointed by the prescribed October 15th deadline, the appointment of the initial four (4) members and additional members appointed by the four (4) Commissioners will no longer have force and effect and these members will no longer be eligible to serve on the Commission on Reapportionment.
- 2) The majority and minority leaders will then make new appointments, other than any previously selected who could not agree on the selection of the three (3) additional members, in the manner prescribed in subsection "C" above no later than November 1st of each year ending in "0". The four (4) newly appointed members will appoint three (3) additional members as set forth above by November 15th of each year ending in "0". In the event that all of the three (3) additional Commission members are not appointed by the prescribed November 15th deadline, the appointment of the initial four (4) members and additional members appointed by the four (4) Commissioners will no longer have force and effect and these members will no longer be eligible to serve on the Commission on Reapportionment.
- 3) The majority and minority leaders will then make new appointments, other than any previously selected who could not agree on the selection of the three (3) additional members, in the manner prescribed in Subsection "C" above but no later than December 1st of each year ending in "0".
- 4) In the event that these four (4) Commission members fail to select all of the three (3) additional members by December 15th of each year ending in "0", then by January 1st of each year ending in "1", the three (3) additional members of the Commission shall be selected by a drawing of names from a receptacle containing the names of the remaining members of the pool of

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interested parties that the four (4) Commissioners have agreed by majority vote meet the criteria set forth in Subsection C-10 (A) of this Charter. The four (4) newly appointed members shall verify that the receptacle contains the names of all remaining members of the pool of interested parties. The County Clerk shall draw three (3) names from the receptacle containing the names of all of the remaining interested parties. If the four (4) newly appointed members determine that any one (1) of the three (3) additional members together with the four (4) appointed members thus selected do not represent the criteria set forth in section C-10 (A) of this Charter, the process shall be repeated with respect to the number of additional members to be appointed. The rejected members shall not be placed back in the receptacle. This process shall be repeated until a majority of the four (4) members determine that the three (3) additional members together with the four (4) appointed members represent the criteria set forth in section C-10 (A) of this Charter. The three (3) names thus selected shall constitute the three (3) additional members of the Commission on Reapportionment.

- E. The Commission shall meet no later than fifteen (15) days after it is fully appointed. The Commission shall elect a Chairperson at its first meeting by a majority vote of the entire membership of the Commission.
- F. Powers and Duties of the Commission; hearings; submissions and approval of the plan.
 - 1) Following each decennial census, the Commission shall prepare a plan to divide the County into twenty-three (23) single member districts as set forth in subsection C-8 of this Charter for the election of County Legislators. The plan shall be solely limited to the designation of creating district boundary lines delineating each of the twenty-three (23) Legislative districts. The Commission shall have no power or authority to increase or decrease the number of Legislative districts as that power and authority shall vest solely with the power and authority granted to the Ulster County Legislature, Ulster County Executive and the electorate pursuant to the Ulster County Charter and Section 23 of Municipal Home Rule Law. In preparing the plan, the Commission shall be guided by the criteria set forth in section C-10 (A) of the County Charter.

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- 2) Each of the twenty-three (23) single member Legislative districts shall be created, taking into consideration subsection C-10 of this Charter based upon population.
- 3) The Commission shall hold one (1) or more public hearings on or prior to May 20 of each year ending in "1" and shall make its draft plan available to the public for inspection and comment not less than ten (10) days before such public hearing.
- 4) The Commission shall prepare and adopt by majority vote, a final plan for reapportionment and submit its plan to the Clerk of the Legislature on or before June 1st of each year ending in "1" unless the Legislature shall adopt a resolution extending the deadline for a period of up to fifteen (15) days if the necessary census data has not been supplied in a timely fashion and the Commission requests such extension. Such plan shall be able to be subjected to a permissive referendum, as if it were a local law, provided the New York State Legislature shall have enacted legislation and the Governor shall have signed into law such legislation or such legislation is otherwise caused to become law.
- 5) If the Commission on Reapportionment's plan is not subjected to a permissive referendum or is approved at referendum, it shall have the force and effect of law and shall be deemed the reapportionment plan of the County Legislature commencing with the General Election in the year ending in "3". If the Commission on Reapportionment's plan is subjected to a permissive referendum and is defeated or otherwise not enacted in such permissive referendum, such plan shall not take effect and a new Commission on Reapportionment shall be established and such persons on the Commission shall meet all criteria as the prior Commission. The County Executive shall undertake the same or substantially similar procedures as were utilized in the formation of the Commission on Reapportionment in the prior year to solicit volunteers for the pool who will be considered for the Commission on Reapportionment. Such pool of candidates shall be established by December 15 of the year ending in "1". The Majority Leader and Minority Leader in office as of January 10 in a year ending in "2" shall pick two persons each from the pool of candidates to serve on the Commission by January 15 in a year ending in "2".

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The four (4) appointed Commissioners shall select the additional three (3) Commission members from the pool previously established no later than February 1st of each year ending in "2". In the event that all of the three (3) additional Commission members are not appointed by the prescribed February 1st deadline, the appointment of the initial four (4) members and any additional members appointed by the four (4) Commissioners will no longer have force and effect and these members will no longer be eligible to serve on the Commission on Reapportionment.

- 6) The majority and minority leaders will then make new appointments, other than any previously selected who could not agree on the selection of the three (3) additional members, in the manner prescribed in subsection "C" above no later than February 10th of each year ending in "2". The four (4) newly appointed members will appoint three (3) additional members as set forth above by February 20th of each year ending in "2". In the event that all of the three (3) additional Commission members are not appointed by the prescribed February 20th deadline, the three (3) additional members of the Commission shall be selected by a drawing of names from a receptacle containing the names of the remaining members of the pool of interested parties that the four (4) Commissioners have agreed by majority vote meet the criteria set forth in Subsection C-10 (A) of this Charter by February 25th of each year ending in "2".

The four (4) newly appointed members shall verify that the receptacle contains the names of all remaining members of the pool of interested parties. The County Clerk shall draw three (3) names from the receptacle containing the names of all of the remaining interested parties. If the four (4) newly appointed members determine that any one (1) of the three (3) additional members together with the four (4) appointed members thus selected do not represent the criteria set forth in section C-10 (A) of this Charter, the process shall be repeated with respect to the number of additional members to be appointed. The rejected members shall not be placed back in the receptacle. This process shall be repeated until a majority of the four (4) members determine that the three (3) additional members together with the four (4) appointed members represent the criteria set forth in section C-10 (A) of this Charter. The three (3) names thus selected shall constitute the three (3) additional members of the Commission on Reapportionment.

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G. The Commission shall meet no later than seven (7) days after it is fully appointed. The Commission shall elect a Chairperson at its first meeting by a majority vote of the entire membership of the Commission.

H. Powers and Duties of the Commission; hearings; submissions and approval of the plan.

- 1) The Commission shall prepare a plan to divide the County into twenty-three (23) single member districts as set forth in subsection C-8 of this Charter for the election of County Legislators. The plan shall be solely limited to the designation of creating district boundary lines delineating each of the twenty-three (23) Legislative districts. The Commission shall have no power or authority to increase or decrease the number of Legislative districts as that power and authority shall vest solely with the power and authority granted to the Ulster County Legislature, Ulster County Executive and the electorate pursuant to the Ulster County Charter and Section 23 of Municipal Home Rule Law. In preparing the plan, the Commission shall be guided by the criteria set forth in section C-10 (A) of the County Charter.
- 2) Each of the twenty-three (23) single member Legislative districts shall be created, taking into consideration subsection C-10 of this Charter based upon population.
- 3) The Commission shall hold one (1) or more public hearings not less than ten (10) days before it submits its final plan to the Clerk of the Ulster County Legislature, in accordance with subdivision 4 of this section. The Commission shall make its draft plan available to the public for inspection and comment not less than ten (10) days before the first such public hearing.
- 4) The Commission shall prepare and adopt by majority vote, a plan for reapportionment and submit its plan to the Clerk of the Legislature on or before May 1st of each year ending in "2". Such plan shall divide the County into twenty-three (23) single member districts for the election of the County Legislature. Such plan shall be able to be subjected to a permissive referendum, as if it were a local law, provided the New York State Legislature shall have enacted legislation and the Governor shall have signed into law such legislation or such legislation is otherwise caused to become law.

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- 5) If the Commission on Reapportionment's plan is not subjected to a permissive referendum or is approved at referendum, it shall have the force and effect of law and shall be deemed the reapportionment plan of the County Legislature commencing with the General Election in the year ending in "3". If the Commission on Reapportionment's plan is subjected to a permissive referendum and is defeated or otherwise not enacted in such permissive referendum it shall not take effect. In such a case, any resident of Ulster County may apply to a Court of Competent jurisdiction to reapportion the County Legislature into twenty three (23) single member districts which otherwise meet the criteria of this Charter and applicable laws.
- 6) Upon any such Reapportionment plan becoming effective, it shall be submitted to the Ulster County Board of Elections, which shall make adjustments as may be necessary and appropriate to comply with the adopted plan or pursuant to any Court Order.
- I. The County Legislature shall appropriate such funds as it deems are necessary for the Commission(s) to effectively conduct its business. The expenditure of such funds shall be under the sole control and discretion of the Commission(s) subject to the provisions set forth in this Charter and applicable federal, state, and local laws.
- J. A Reapportionment Commission shall be dissolved on the day following the General Election in which it submits its plan to the Clerk of the County Legislature.
- K. A vacancy in any Reapportionment Commission shall be filled in the manner that the vacant position was originally filled. A vacancy shall be filled no later than fifteen (15) days from the date of the vacancy.
- L. If the County of Ulster is not authorized to reapportion in the manner provided for herein pursuant to an applicable State law, including but not limited to the portion authorizing a permissive referendum, the Ulster County Charter Revision Commission shall be reconvened, as provided for in Section C-5 of the Ulster County Charter, not earlier than September 1, 2017 and not later than November 1, 2017 for the purpose of providing for a method of reapportionment of the

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twenty-three (23) Ulster County legislative districts pursuant to Section C-10 of the Ulster County Charter.

SECTION 2. Paragraphs I, K and P of SECTION C-11 of the Ulster County Charter are hereby REPEALED and new Paragraphs I, K and P of Section C-11 of the Ulster County Charter are added to read as follows:

- I. To approve all labor contracts and amendments thereto;
- K. To conduct studies and investigations in furtherance of its legislative functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards, subpoena witnesses, administer oaths, and require the production of books, papers and other evidence deemed necessary or material to such studies or investigations. A subpoena issued under this section shall be regulated by the Civil Practice Law and Rules together with any state or federal laws or rules that may be applicable. The subpoena shall not extend to disclose the identity or jeopardize the safety of victims, confidential informants, witnesses, and undercover officers or operatives;
- P. To appropriate funds for the annual audit of the books and records of the County by independent auditors.

SECTION 3. A new section C-11.1 is hereby added to the Ulster County Charter to read as follows:

§ C-11.1

There shall be an Audit Committee consisting of seven (7) members: The Chairman of the Legislature or his/her designee will serve on and chair the committee and will appoint two (2) additional members, at least one of whom must be a County Legislator; the minority leader will appoint two (2) members, at least one of whom must be a County Legislator; the County Executive or designee; the Comptroller or designee. The County Executive and the Comptroller shall be non-voting members. It shall take the affirmative action of three out of the five voting members to act.

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A. The Audit Committee shall: (1) select the independent auditor to perform the annual audit of the books and records of the County; (2) select the independent auditor in a fashion consistent with the County's existing procurement policy and the Audit Committee shall consult with the Director of Purchasing in this respect; and (3) report the independent auditor's findings to the Legislature, County Executive and County Comptroller.

SECTION 4. Section C-15 of the Ulster County Charter is hereby REPEALED and new Section C-15 is hereby added to the Ulster County Charter to read as follows:

§ C-15. Confirmation of Appointments.

A proposed appointment or proposed appointments to County office by the County Executive that requires confirmation by the County Legislature under provisions of this Charter shall be presented by the County Executive to the Clerk of the Legislature in writing in sufficient time to allow the Clerk to inform the full Legislature of the proposed appointment or appointments at least thirty (30) days prior to the Legislature's next scheduled meeting. The Legislature shall vote on the confirmation of such individual at its next regular meeting at least thirty (30) days after such nomination has been made by the County Executive. If the Legislature fails to vote upon the proposed appointment or appointments, the proposed appointment or appointments shall be deemed confirmed. When an appointment is not confirmed by the Legislature, but such appointment was considered at a regular meeting of the Legislature, the appointment of the same individual for the same position may not be resubmitted by the County Executive for twelve (12) months after the Legislature votes upon the proposed appointment.

SECTION 5. Section C-19 of the Ulster County Charter is hereby REPEALED and a new Section C-19 is added to the Ulster County Charter to read as follows:

§ C-19. Clerk of the County Legislature.

A Clerk of the County Legislature shall be elected by the County Legislature on an annual basis commencing upon the organizational meeting of the County Legislature which shall take place in January, 2014. Until such time, the Clerk

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shall be appointed by the Chairman of the County Legislature. The Clerk shall be and remain an elector of the County, and he or she shall serve at the pleasure of the Legislature until his or her successor shall be appointed and shall qualify. A vacancy in the office of Clerk shall be filled by election of the County Legislature effective after the organizational meeting of the County Legislature in January, 2014. The Clerk of the Legislature incumbent as of December 31, 2013 shall holdover and continue in his or her position as Clerk of the County Legislature until his or her successor shall have been elected; provided, however, that nothing shall preclude the election of the incumbent in the position of the Clerk of the County Legislature as of December 31, 2013. Effective January 1, 2014, Deputy Clerks of the Legislature and employees of the Legislature shall be appointed pursuant to the Rules of the Legislature. Until January 1, 2014 such Deputy Clerks and employees shall be appointed by the Chairman of the Legislature.

SECTION 6. Paragraph C of Section C-20 of the Ulster County Charter is hereby REPEALED and a new Paragraph C of Section C-20 is added to the Ulster County Charter to read as follows:

C. Minority Counsel. There shall also be a Minority Counsel who shall be an attorney at law licensed to practice law in the State of New York and who shall generally provide legal advice and assistance to the members of the County Legislature belonging to the political party holding the second largest number of seats in the Legislature. He or she shall be selected by that party's caucus and shall serve at the pleasure of said caucus.

SECTION 7. Section C-20 of the Ulster County Charter is hereby amended by adding a paragraph D to the Ulster County Charter to read as follows:

D. To advise the Legislature, the Legislature may retain Special Counsel where it deems it necessary notwithstanding the provisions of § C-72 of this County Charter.

SECTION 8. Paragraph A of Section C-25 of the Ulster County Charter is hereby REPEALED and a new Paragraph A is added to Section C-25 to read as follows:

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- A. Appoint department heads and other officers and employees as provided in this Charter. Should the County Executive fail to make such appointment in writing, signed and filed in the offices of the Clerk and the County Clerk within a period of one hundred twenty (120) days from a vacancy in such department or administrative unit, except in the case of the departments of health and social services, in which case such appointment shall be made within one hundred eighty (180) days, the County Legislature may appoint such department head or administrative unit head. In no event shall, unless a default occurs in the confirmation process by the County Legislature, any person appointed by the County Executive enter upon his or her office unless confirmation by the County Legislature shall have been filed by the Clerk in the offices of both the County Clerk and the Clerk;

SECTION 9. Section C-25 of the Ulster County Charter is hereby amended by adding a new paragraph P to read as follows:

- P. To conduct studies and investigations in furtherance of his or her executive functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards.

SECTION 10: Paragraphs B and E of Section C-26 of the Ulster County Charter are hereby REPEALED and new Paragraphs B and E of Section C-26 of the Ulster County Charter are added to read as follows:

- B. The appointment by the County Executive of the head of each department or other administrative unit shall, unless otherwise specified in this charter, be subject to the confirmation by the County Legislature by vote of a majority of the whole number of members elected to that body, taken at a regular or special meeting pursuant to section C-15 of this Charter.
- E. The County Executive may designate a qualified person to serve temporarily or on an interim basis as the head of a department or administrative unit until an appointment is made pursuant to this Charter.

SECTION 11: Section C-29 of the Ulster County Charter is hereby REPEALED and a new Section C-29 is hereby added to the Ulster County Charter to read as follows:

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§ C-29. Acting County Executive.

- A. The County Executive shall designate in writing, and in order of succession, the person or persons who shall serve as Acting County Executive in the event that he or she resigns, dies or certifies in writing and files with the County Clerk a statement that he or she is unable to perform and/or exercise the powers and duties of the Office of County Executive, or in the event that, upon advice sought by a majority of the whole number of members elected to the Ulster County Legislature by formal action not subject to veto by the County Executive, his or her inability to serve is certified by qualified and competent medical authority.
- B. Only persons incumbent in County government may be designated to any list of succession for possible service as Acting County Executive.
- C. If a vacancy occurs in the Office of County Executive other than by regular expiration of the term, the person designated under subsection C-29 (A) as the first successor shall become Acting County Executive until the vacancy is filled in accordance with subsections D, E and F of this section. Should the person designated as the first successor be unable to perform and/or exercise the duties of the office, then the person next designated under C-29 (A) shall become the Acting County Executive.
- D. If the vacancy in the Office of the County Executive occurs more than one hundred eighty (180) days before the next general election, it shall be filled for the remainder of the unexpired term by a special election to be held no later than ninety (90) days from the date the vacancy occurs. The person so elected shall serve for the balance of the unexpired term commencing thirty (30) days from the date of the certification by the Board of Elections. The Acting County Executive shall continue to serve until such time as the person so elected takes office.

Notice of a special election called hereunder shall be in a manner set forth in election law for notice of a general election. It shall be the duty of the Board of Elections to prepare ballots, voting machines and other matters so that such election may be properly held and conducted. Notwithstanding any law to the contrary, the expenses of a special election conducted pursuant to this section shall be borne by the County, except where the special election will be held on

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the date of a primary election or the next general election.

- E. If said vacancy may be filled by a general election to be held no more than one hundred eighty (180) days after the vacancy occurs, then no special election shall be held, and the vacancy shall be filled by a general election. The person so elected at the general election shall serve for the balance of the unexpired term and shall take office on the first (1) day of January next succeeding the vacancy.
- F. At any time during the remainder of the term for which a County Executive was elected after he or she was found unable to perform and/or exercise the duties of the office by competent medical authority, that authority may file a retraction in writing with the County Clerk, and thereafter the County Executive may immediately resume service in that office so long as he or she has not been replaced at a special or general election.
- G. Commencing with the enactment of these provisions, the County Executive shall, on or before December 1, 2012, and for every new County Executive entering into a term thereafter on the first day of such term, be authorized to file the name of two persons to serve as Acting County Executive to take effect immediately. Within ten (10) days thereafter, the County Executive shall file a list with the County Clerk and Clerk of the County Legislature consisting of a list of one or more names to serve as Acting County Executive. Such list shall take precedence over the first persons initially designated forty-five (45) days after the filing of such list.

Such list may be modified from time to time, but shall not take effect until the expiration of forty-five (45) days the entire duration of which the County Executive who filed such list shall have had to remain in office, or such list shall not otherwise take effect. During such 45 day period, the prior list shall remain in effect.

In the absence of such written designation of order of succession and in the event of the County Executive's inability to perform and exercise the powers and duties of his or her office, the County Legislature shall appoint a person then serving in County Government to serve as Acting County Executive.

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H. The Acting County Executive shall have all the powers and perform all the duties of the County Executive.

SECTION 12. Sub-paragraphs 6 and 7 of Paragraph B of Section C-53 of the Ulster County Charter are REPEALED and new sub-paragraphs 6 and 7 are added to Paragraph B of Section C-53 of the Ulster County Charter to read as follows:

- 6) Submit a complete statement of County finance to the County Executive and the County Legislature on or before the first day of March and at such other times as either may require;
- 7) Have all the powers and perform all the duties conferred or imposed by law upon a County Commissioner of Finance and perform such other duties required by the County Executive or County Legislature;

SECTION 13. Paragraph B of Section C-53 of the Ulster County Charter is amended by adding two new sub-paragraphs, 8 and 9, to read as follows:

- 8) Be the chief accounting officer of the County; and
- 9) Maintain the financial books and records for all units of County Government unless otherwise required by law.

SECTION 14. Section C-57 of the Ulster County Charter is REPEALED and a new Section C-57 is hereby added to the Ulster County Charter to read as follows:

§ C-57. Powers and Duties.

The Comptroller shall be the chief auditing officer of the County. Except as may otherwise be provided in this Charter he or she shall:

- A. Examine, audit, and verify all books, records, and accounts kept by the administrative units, offices and officials paid from County funds, institutions and other agencies of the County, including bond and note registers and trust accounts, and the accrual and collection of all County revenues and receipts, and for this purpose have access to all such books, records, and accounts at any time except

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where precluded by law. The Comptroller shall prepare an annual audit report including a risk assessment of the accounting methods utilized by the County, and shall submit a copy of the report to the County Legislature and the County Executive by April 1st of each year;

- B. Procure from the depositories with which the Commissioner of Finance shall have deposited the funds and monies coming into the Comptroller's possession statements, at least monthly, of all monies deposited by the Commissioner of Finance or paid out pursuant to the Comptroller's order, and reconcile such statements with the County accounts;
- C. Audit records of appropriations, encumbrances and expenditures, and prescribe generally accepted government accounting methods to be used by all units of County government, unless otherwise required by the State Comptroller;
- D. Certify the availability of funds for all requisitions, contracts, purchase orders and other documents by which the County incurs financial obligations or for the expenditure of funds for which the County is responsible;
- E. Prescribe the form for records of appropriation, encumbrances, and expenditures for all units of County government, receipts, vouchers, bills and claims, unless otherwise required by the State Comptroller;
- F. Audit and certify for payment all lawful claims or charges against the County, whether for payroll or otherwise, or against funds for which the County is responsible in whole or in part;
- G. As he or she determines necessary or appropriate, audit any department, program or function of County government to assess the degree to which its operation is economical, efficient and/or effective;
- H. To conduct studies and investigations in furtherance of his or her functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards, subpoena witnesses, administer oaths, and require the production of books, papers and other evidence deemed necessary or material to such studies or investigations. A subpoena issued under this section shall be regulated by the Civil Practice Law and Rules together

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with any state or federal laws or rules that may be applicable. The subpoena shall not extend to disclose the identity or jeopardize the safety of victims, confidential informants, witnesses, and undercover officers or operatives;

- I. Submit to the County Legislature and Executive, and post on the County website as frequently as he or she deems necessary, but at least quarter-annually, reports on the financial condition of the County and the economy, efficiency and/or effectiveness with which the County government or any of its departments, agencies or programs is managed;
- J. Have all the powers and perform all the duties conferred or imposed by law upon a county comptroller, and perform such other related duties required by the County Executive or County Legislature; and

SECTION 15. Section C-60 of the Ulster County Charter is REPEALED and a new Section C-60 is hereby added to the Ulster County Charter to read as follows:

§ C-60. Vacancy.

- A. Filling Comptroller Vacancy. If a vacancy occurs in the Office of the Comptroller of Ulster County for any reason other than the expiration of a term, the County Legislature shall fill this office ad interim by the appointing of a person fully qualified by law to hold that office by a majority of its full number at its next regularly scheduled session or at a special session held for the purpose, and any such session shall be held no sooner than two (2) weeks after the vacancy occurs, and no later than one (1) month after the vacancy occurs.
- B. Appointee to serve on interim basis. A person appointed by the Legislature in this manner to fill an office ad interim shall serve until the end of the 31st day of December following the first general election day at which a general election may be held under law to fill this position.
- C. Election; person to serve for duration of unexpired term. The person chosen at general election, held as soon as practicable on a general election day under state law to fill a vacancy in the position of the Comptroller of Ulster County, shall serve for the duration of the unexpired term of the office.

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SECTION 16. Section C-72 of the Ulster County Charter is REPEALED and a new Section C-72 is hereby added to the Ulster County Charter to read as follows:

§ C-72. Special counsel.

Except as provided in § C-20(D), the County Attorney shall have the power to retain special counsel where necessary and within appropriations made therefore by the County Legislature.

SECTION 17. Section C-106 of the Ulster County Charter is REPEALED and a new Section C-106 is hereby added to the Ulster County Charter to read as follows:

§ C-106. Membership; appointment; compensation.

- A. There shall be a Board of Ethics consisting of five (5) members appointed by the County Executive, subject to the confirmation of the County Legislature. Board of Ethics members shall serve without compensation and for a term of five (5) years. No more than two (2) members shall be of the same political party. Members of the Board of Ethics shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes. Vacancies shall be filled for the unexpired term.
- B. The County Legislature shall vote on any nominee of the County Executive to the Board of Ethics. The Legislature shall vote on the confirmation of such individual at its next regular meeting at least thirty (30) days after such nomination has been made by the County Executive. If the Legislature fails to vote upon the proposed appointment or appointments, the proposed appointment or appointments shall be deemed confirmed. When an appointment is not confirmed by the Legislature, but such appointment was considered at a regular meeting of the Legislature, the appointment of the same individual for the same position may not be resubmitted by the County Executive for twelve (12) months after the Legislature votes upon the proposed appointment.

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C. Notwithstanding the preceding portions of this section of the County Charter, the existing members of the Board of Ethics, existing as of December 31, 2012 shall be re-appointed by the County Executive for initial terms of one, two, three, four, or five years, unless they decline such nomination, such terms to take effect January 1, 2013. Upon the expiration of such initial term, the term of office for any person nominated or renominated to the Board of Ethics shall be for five (5) years. Confirmation by the Legislature of such appointees for initial terms of one, two, three, four, or five years shall not be required provided such person has previously been confirmed by the County Legislature to membership on the Board of Ethics and such person was a member of such Board on December 31, 2012. If a member of the Board of Ethics in office as of December 31, 2012 declines re-appointment, then any other such person nominated for a term of year(s) effective January 1, 2013 shall require confirmation of the Legislature pursuant to the provisions of C-106(A) and C-106(B).

SECTION 18. Paragraph C of Section C-116 of the Ulster County Charter is REPEALED and a new Paragraph C of Section C-116 of the Ulster County Charter is added to read as follows:

C. The Council shall meet at the call of the County Executive, or upon the call of a majority of the Council Members, but no fewer than two times annually, to consider matters or issues that might be brought before it by any member and to take initiatives designed to advance its objectives.

SECTION 19. Mandatory Referendum Question: The question that shall be submitted to the voters is as follows:

Shall the amendments to the Ulster County Charter approved as Proposed Local Law # 11 of Ulster County for 2012 be adopted and become part of the Ulster County Charter?

SECTION 20. SEVERABILITY

In the event that any portion of this local law is found to be invalid, such finding will not have any effect on either the remaining portions or applications of this local law or any provisions of the Ulster County Charter, which shall remain in full force and effect.

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A Local Law Amending The Ulster County Charter, Local Law No. 2 Of 2006, To Modify Various Provisions Of The Ulster County Charter.

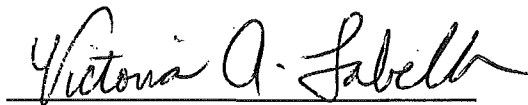
SECTION 21. EFFECTIVE DATE.

Pursuant to Municipal Home Rule Law Section 23, this Local Law shall not become operative unless and until this Local Law is approved by the duly qualified voters of Ulster County in a manner prescribed by law at the general election on November 6, 2012, and thereafter filed with the Secretary of State.

Ulster County Legislature} ss.:

I have compared the preceding Proposed Local Law, adopted at the Regular Meeting of the Ulster County Legislature held on Tuesday, August 14, 2012 with the original thereof, on file in this office and do hereby CERTIFY that the same is a correct transcript thereof, and of the whole of said Proposed Local Law.

**WITNESS my hand and seal of the
Ulster County Legislature, at the
City of Kingston, Ulster County,
New York, on this 5th Day of
September in the year Two
Thousand and Twelve.**

A handwritten signature in cursive script, reading "Victoria A. Fabella", written in dark ink over a horizontal line.

**Victoria A. Fabella, Clerk
Ulster County Legislature**

Adopting Proposed Local Law No. 11 of 2012, A Local Law Amending The Ulster County Charter, Local Law No. 2 Of 2006, To Modify Various Provisions Of The Ulster County Charter, Hereinafter Known As Local Law No. 9 of 2012

Referred to: Laws and Rules, Governmental Services Committee (Chairman Roberts and Legislators Fabiano, Maio, Ronk, Donaldson, Loughran and Robert Parete)

Chairman of the Laws and Rules, Governmental Services Committee, Kevin Roberts, and Minority Leader, Legislator David B. Donaldson offer the following:

WHEREAS, Resolution No. 189 dated August 7, 2012, set the date for Public Hearing on Introductory Local Law No. 11 of 2012 (A Local Law amending the Ulster County Charter, Local Law No. 2 of 2006, to modify various provisions of the Ulster County Charter) To Be Held On Tuesday, August 14, 2012 at 7:00 PM, in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston, New York, and

WHEREAS, said Public Hearing was held on Held On Tuesday, August 14, 2012 at 7:00 PM, in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston, New York, and

WHEREAS, said Public Hearing was advertised in the official newspapers of the County of Ulster, and posted on the signboard maintained by the Clerk of the Legislature situated in the Ulster County Office Building, and

WHEREAS, all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, and

WHEREAS, the Laws and Rules, Governmental Services Committee has met and reviewed said request with a majority of the members voting approval, NOW, THEREFORE, BE IT

RESOLVED, that the Introductory Local Law herein is hereby adopted by the Ulster County Legislature, and hereinafter known as Local Law Number 9 of 2012, and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 19 NOES: 2
(Noes: Legislators Briggs and John Parete)
(Absent: Legislators Richard Parete and Robert Parete)

Passed Committee: Laws & Rules, Governmental Services on August 14, 2012

Resolution No. 219 August 14, 2012

A Local Law Amending The Ulster County Charter, Local Law No. 2 Of 2006, To Modify Various Provisions Of The Ulster County Charter, Hereinafter Known As Local Law No. 9 of 2012

FINANCIAL IMPACT:

\$300.00 – APPROXIMATE ADVERTISING COSTS

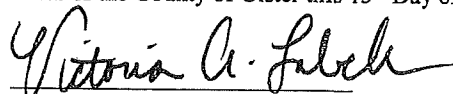
STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 14th day of August, 2012, and that the same is a true and correct transcript of said resolution and of the whole thereof.

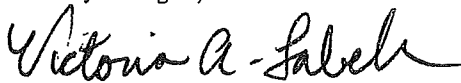
IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 15th Day of August in the year Two Thousand and Twelve.



Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this

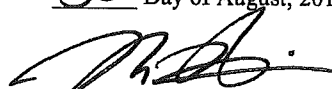
16th Day of August, 2012.



Victoria A. Fabella, Clerk
Ulster County Legislature

Approved by the County Executive this

30 Day of August, 2012.



Michael P. Hein, County Executive

Ulster County Legislature} ss.:

I have compared the preceding Resolution, adopted at the Regular Meeting of the Ulster County Legislature held on Tuesday, August 14, 2012 with the original thereof, on file in this office and do hereby CERTIFY that the same is a correct transcript thereof, and of the whole of said resolution.

**WITNESS my hand and seal of the
Ulster County Legislature, at the
City of Kingston, Ulster County,
New York, on this 5th Day of
September in the year Two
Thousand and Twelve.**

A handwritten signature in cursive script, reading "Victoria A. Fabella", written in dark ink.

**Victoria A. Fabella, Clerk
Ulster County Legislature**